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Elimination of racism and racial discrimination

Letter dated 17 July 2007 from the Permanent Representative of Japan to the United Nations addressed to the President of the General Assembly

I am writing with reference to the letter dated 10 July 2007 from the Permanent Representative of the Democratic People's Republic of Korea addressed to you, which has been circulated as a document of the General Assembly (A/61/236), and in which unilateral and groundless allegations are made and facts are distorted.

It should hardly be necessary to point out that fundamental human rights are guaranteed under the Constitution of Japan for all foreign residents in Japan as well as for Japanese people, and there can be no discrimination against the General Association of Korean Residents in Japan or any other organization in any civil or criminal procedure.

Attached in the annex is more detailed explanation regarding the allegations made in the letter of the Permanent Representative of DPRK. Japan is against the request by DPRK.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 65.

(*Signed*) Kenzo **Oshima**
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Annex to the letter dated 17 July 2007 from the Permanent Representative of Japan to the United Nations addressed to the President of the General Assembly

Background

(1) Search of a Korean printing house by Japanese police

In June 1974, two siblings in Japan were abducted and in this connection about 30 years later, it turned out in the police investigation that the person suspected in the abduction case was a member of a subsidiary organization of the General Association of Korean Residents in Japan ("Chongryon"; the umbrella organization of Korean residents in Japan with close association with the DPRK). Subsidiary organizations located in the Korean Press Hall were searched by the Japanese police with search warrants as required by Japanese law in order to collect evidence related to the suspected abduction. The search was therefore done legally and properly and involved no illegal action of any kind and no violence or threats were engaged.

(2) Auctioning off of the building and land owned by Chongryon

The DPRK-affiliated credit unions in Japan are domestic financial institutions established under Japanese law for the purpose of providing banking services to Korean residents in Japan. Between 1997 and 2001, 16 of those credit unions declared bankruptcy due to large numbers of non-performing loans that were made, inter alia, to Chongryon. (During those years, due to the collapse of the country's "bubble economy," numerous financial institutions in Japan went bankrupt, and some DPRK-affiliated credit unions met the same fate.)

In order to protect bona fide depositors of those credit unions facing bankruptcy, the Japanese authorities spent more than 1.3 trillion yen (approximately $11 billion) in government funds, on a non-discriminatory basis.

As part of recovery measures, the Resolution and Collection Corporation (RCC; a corporation established by a public organization to collect non-performing loans of bankrupt financial institutions in Japan) purchased the non-performing assets of the bankrupt DPRK-affiliated credit unions using public funds, while other efforts were made to recover the enormous amount of government funds that were injected into the DPRK-affiliated credit unions. This was carried out in exactly the same manner as for any other bankrupt domestic financial institution.

Among the non-performing assets of the bankrupt DPRK-affiliated credit unions, there were loans to Chongryon, which Chongryon formally acknowledged as the debt incurred by the loan contracts in the amount totalling approximately 63 billion yen (approx. $530 million). In November 2005, the RCC initiated a lawsuit against Chongryon seeking repayment of the loans in the Tokyo District Court in the context of its debt recovery measures. In June 2007, the Court handed down a judgment calling for repayment of the approximately 63 billion yen in loans. Chongryon did not appeal this judgment to a higher court.

Up to the time that the judgment was delivered, the RCC continued consultations with Chongryon regarding payment of the debts, but Chongryon indicated its intention to pay only a very small part of the total. In the circumstances, the RCC had no choice but to file a petition to auction off the building and land belonging to Chongryon in accordance with the normal required

legal procedures, on 25 June 2007. (It is the regular practice of the RCC to file a petition to auction off real estate as a means of collecting non-performing loans that it has purchased from other bankrupt financial institutions in Japan. Indeed, the RCC filed approximately 1,800 such petitions in the fiscal year 2006.) The petition to auction the building and land owned by Chongryon was for the purpose of collecting debt, and not for any political or diplomatic purpose.

Allegations by DPRK and facts

(1) Search by the Japanese police on a subsidiary organization of the General Association of Korean Residents in Japan (Chongryon)

Allegation: "On 25 April 2007, Japanese police authorities enforced a fascist search inside the Korean printing house by more than 300 armed policemen, while deploying 15 large armoured buses and 42 patrol cars to the scene."

Facts: On 25 April 2007, Japanese police conducted a search on a subsidiary organization of Chongryon located in the Korean Press Hall. Before the search was conducted, Japanese police obtained a search warrant from the appropriate court to collect evidence related to the suspected abduction. Japanese police searched the building legally and properly. They took no illegal action of any kind, and engaged in no violence or threats.

Riot police units, buses and patrol cars were deployed as the necessary protection since in cases involving Chongryon physical, illegal obstructions are sometimes encountered by the concerned people, preventing the appropriate search.

Japanese police have been taking strict measures against illegal acts on the basis of law and solid evidence, regardless of whether there was any connection with the DPRK or Chongryon. The police will continue to take strict measures against illegal acts, and the activities of the police will not be affected by the international situation regarding the DPRK.

(2) RCC measures against Chongryon

Allegation: "Japanese authorities went further, the more to force Chongryon to sell land and building of the Hall of its headquarters, in an ill-minded attempt to exterminate Chongryon at any cost." "This is nothing but a wanton infringement upon the sovereignty of the Democratic People's Republic of Korea."

Facts: The DPRK assertion that the petition by the RCC for the building and land owned by Chongryon was an infringement upon the sovereignty of the DPRK is totally unfounded and unreasonable. As mentioned above, the petition to auction the land and building of the hall of the headquarters of Chongryon was for the purpose of collecting and recovering the debt, and unrelated to any political or diplomatic purpose.

The RCC will continue to conduct its collection activities based strictly on the relevant domestic laws and on the basis of fairness and justice. The statement of the DPRK on this matter wilfully distorts the facts and casts aspersion on the perfectly legitimate activities of the RCC. The fault in the matter lies with Chongryon, with its debt obligations to the RCC.

(3) Legal status of Korean residents in Japan

Allegation: "Repression of the Organization of Koreans in Japan and Koreans by Japanese authorities dates back far beyond recent days. During the last several decades, human rights violations by Japanese authorities, such as political suppression of Chongryon, national discrimination, violence against and maltreatment of Koreans in Japan, never ceased a single day. Thereafter, Japan became a subject of serious concern to human rights treaty bodies of the United Nations to which Japan is a State party."

"[The Committee on the Elimination of Racial Discrimination] said that 'although Koreans are no longer required legally or administratively, to change their names to a Japanese name, the Committee expresses its concern that Japanese authorities reportedly continue to urge such changes and that Koreans feel obliged to do so for fear of discrimination'".

"Moreover, the Human Rights Committee (HRC), the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Rights of the Child (CRC) also expressed their respective grave concern over the Japanese 'refusal to recognize Korean schools' in Japan (HRC, sixty-fourth session), 'unequal treatment with regard to access to higher education by Korean students' (CRC, eighteenth session)".

Facts: The Government of Japan has taken measures to ensure Korean residents in Japan to lead normal lives, including granting them the appropriate legal status to remain in Japan and improving conditions that affect their lives. The Constitution of Japan guarantees equality before the law without discrimination of any kind. Based on this principle, Japan has striven to realize a society free from all forms of discrimination, including racial and ethnic discrimination, in the 60 years since the end of the Second World War. (For example, the Government of Japan does not urge foreign residents in Japan to convert their names to Japanese names. Nor does it urge residents in Japan applying for Japanese citizenship to do so. In fact, the Government of Japan extensively informs applicants that they may freely determine their names after naturalization.)

The Constitution of Japan also stipulates that all people, including Korean residents in Japan, shall have the right to receive an equal education, and that, if he/she so wishes, any foreign child may attend a public elementary or junior high school for free, just as a Japanese child does. With regard to entering a college or university, all students including Korean school graduates who meet the standards set by individual institutions are eligible to do so.

The Government of Japan has acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and other major international human rights instruments and conventions, and has been making sincere efforts for their implementation.

The Government of Japan proactively engages in activities in a variety of United Nations forums aimed at the elimination of racial discrimination.

(4) Reports of media in Japan

Allegation: "Japanese authorities, at the same time, set in motion reptile media to float various kinds of false reports aimed at tarnishing the image of Chongryon in a bid to frantically incite bitterness towards the DPRK and Chongryon in its society."

Facts: The Government of Japan is aware that there were a number of reports in the Japanese press on the aforementioned case. However, freedom of speech along with other freedoms is fully guaranteed by its Constitution, and it is not conceivable that the Government of Japan "set in motion" the release of those reports.

(5) Security Council reform

Allegation: "The DPRK cannot remain unconcerned at such inhumane behaviour by Japanese authorities, particularly because Japan invaded the Asian countries and committed a massacre of millions of innocent people, but has been distorting its aggressive history instead of liquidating it and seeks a permanent membership of the Security Council of the United Nations."

Facts: With regard to Japan's position on Security Council reform, it has been publicly stated many times in the United Nations and other forums, and is well known. Japan stands ready to contribute actively and positively to international peace and security at any time.